

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Revenue Department–Revision Petition filed by Smt. Bobbara Adiyamma and two others, R/o Nimmalapalem village, Kothavalasa Mandal, Vizianagaram District – Report and records obtained – Case heard – Revision Petition dismissed as Exparte – Stay vacated- Orders – Issued.

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REVENUE (ASSIGNMENT –I) DEPARTMENT

G.O. MS.NO. 1170

DATED : 12-11-2009

Read the following :-

- 1) From Smt. Bobbara Adiyamma and 2 others, R/o Nimmalapalem village, Kothavalasa Mandal, Vizianagaram District, Revision Petition, dt.Nil.
- 2) Govt.Memo.No.17024/Assign.I(2)/2005-1,dt.26.4.2005.
- 3) Govt. Memo. No. 17024/Asn.I(2)/2005-2,dt.12-10-2006.
- 4) From the Joint Collector, Vizianagaram, Rc.No.1361/ 2005., E2., Dated 24.6.2009 addressed to Government.
- 5) Govt.Memo.No.17024/Asn.I(2)/2005-3, dated 22-08-2009,19-9-2009 and 27-10-2009.

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ORDER:-

Smt. Bobbara Adiyamma and two (2) others, R/o Nimmalapalem village, Kothavalasa Mandal, Vizianagaram District have filed Revision Petition before the Government against the orders of the Commissioner of Appeals, O/o the CCLA, A.P., Hyderabad in Proceedings No.BCW5/273/2000, dt.24.11.2003.

2. The Government while admitting the R.P. filed by the applicants, has ordered to stay the proceedings of the Commissioner of Appeals, O/o CCLA, A.P., Hyderabad in No.BCW5/273/2000, dt.24.11.2003 pending disposal of Revision Petition and called for lower court records.

3. Accordingly, the Dist. Collector, Vizianagaram has been requested to furnish the detailed report with connected records to Government immediately. Further orders of the Commissioner of Appeals dated 24.11.2003 in Proceedings No.BCW.5/273/2000 have also been stayed pending disposal of the Revision petition vide in Govt.Memo. second read above.

4. In the reference 4<sup>th</sup> read above, the Joint Collector, Vizianagaram has furnished his report together with the records in bearing C.No.R.Dis.1774/1989, dt.4.10.1990 and Rc.No.259/1994, and reported that the matter has been referred to the Tahsildar, Kothavalasa to offer his remarks and records in the matter. The Tahsildar, Kothavalasa has submitted detailed report as follows:

5. Brief History of the case:

Originally 11 persons who are non residents, persons possessing land and family members of employees have obtained assignment of land in Rayapurajupeta village of Kothavalasa mandal. During verification of assigned lands in the year 1994 there were allegations that employees have got assignment of land in the names of their family members though they are having lands and that the assignees are non-residents of the village. The then MRO has verified all the assignments made in Rayapurajupeta village and detected that there are 11 cases of assignments to ineligible persons including the lands mentioned in the Statement were assigned to ineligible persons and family members of Government employees and on residents of Rayapurajupeta village of Kothavalasa mandal and reported the facts to RDO, Vizianagaram. In turn RDO, Vizianagaram reported the matter to JC, Vizianagaram for cancellation of illegal assignments which were obtained by misrepresentation of facts. The Jt.Collector, Vizianagaram has issued orders duly cancelling the assignments in 11 cases after due process of enquiry. Out of 11 cases Smt Bobbara Adeyamma, W/o Pydithali, Smt Bobbara Lakshmi W/o Akkunaidu, and Smt Bobbara Atchayamma, W/o Mahalakshmi have preferred an appeal before the Commissioner of Appeals and the Commissioner of Appeals has confirmed the orders of the Jt.Collector. The present revision filed before the Govt., and the Govt., have issued stay orders and they are continuing enjoyment on the land on the strength of the stay orders issued vide Govt., Memo.No.17024/Assn.I(2)/2005-1, dt.26.04.2005.

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6. In regard to Smt. Bobbara Adeyamma, W/o Pydithali, it was reported that she is a non-resident and having landed property and resident of Nimmalapalem, Kothavalsa mandal. She is not entitled for assignments as landless poor persons. In Rayapurajupeta several poor persons have been requesting for assignment of lands. Hence, the assignment was cancelled by the Jt. Collector, Vizianagaram after due process of enquiry.

7. In respect of Smt. Bobbara Lakshmi W/o Akkunaidu, it was reported that she is wife of Government teacher and prima facie not entitle for assignment of land as landless poor persons. She is a non-resident and having landed property and resident of Nimmalapalem, Kothavalsa mandal. In Rayapurajupeta several poor persons have been requesting for assignment of lands. Hence, the assignment was cancelled by the Jt. Collector, Vizianagaram after due process of enquiry.

8. In respect of Smt. Bobbara Atchayamma, W/o Mahalakshmi, it was reported that she is mother of Akku Naidu a teacher. She is not entitled for assignment of land and as she is having lands at Nimmalaplaem which makes her ineligible for assignment. In Rayapurajupeta several poor persons have been requesting for assignment of lands. Hence, the assignment was cancelled by the Jt. Collector, Vizianagaram after due process of enquiry.

9. As may be seen from the above factual information, it is evident that the above three individuals of one family have misrepresented and managed to obtain assignments and when the facts were noticed during the enquiry by MRO, Kothavalsa, he has reported to the superior officers and the JC, Vizianagaram after due process of enquiry has cancelled the assignments as two of the above assignees (Smt. Bobbara Lakshmi, W/o Akkunaidu and Smt. Bobbara Atchayamma, W/o Mahalakshmi) are wife and mother of Bobbara Akkunaidu who is a Government employee (Teacher) and the first person Smt. Bobbara Adeyamma is the daughter-in-law of Smt. Bobbara Atchayamma.

10. As regards the contention of the appellant that Nimmalapalem and Rayapurajupeta are under one Panchayat may be true, but as they are different Revenue villages, assignment cannot be considered, as Revenue village is basis for the purpose of assignment and the landless poor persons of the village have to be given preference to the residents of other villages. The appellants have further requested for regularization of the land assigned to them illegally, on payment of market value. The land in question is at distance of about 4 to 5 kilometers from Kothavalsa which is fast developing and the value of the land ranges from Rs.20 to Rs.25 lakhs per acre as they are in an around the Steel Plant, Jindal Factory and other industries which are coming up. As this area is poised for industrial and commercial development due to its proximity to Greater Visakhapatnam Corporation, the request for regularization can not be considered in view of the requirement of land by APIIC and other Governmental agencies. The fact that they are landed rich and particularly family members of a Government employee shows that basically they have cheated the Government with the active connivance of some lower level Revenue officials and obtained illegal assignment and having enjoyed the financial and other benefits from all these years their appeal needs no consideration and as the assignment is obtained by misrepresentation of facts, the Joint Collector, Vizianagaram has requested to confirm the orders of the Commissioner of Appeals, Hyderabad.

11. The Joint Collector, Vizianagaram has finally requested the Government to consider the above facts and the assignments obtained by misrepresentation of facts may be ordered to be immediately cancelled and the stay orders may also be vacated to enable the District Administration to take possession of the lands from the ineligible assignees who are still continuing enjoyment in view of stay orders granted by the Government.

12. Government have examined the matter.

13. Case was called for hearing on 10-09-2009, 3-10-2009, and finally on 24-10-2009.

14. Revision Petitioner was absent. Revenue Officials from the Collector's Office, Vizianagaram were present, and appraised the facts of the case.

15. Government have observed that though the opportunity was given on 19-09-2009, 3-10-2009, and finally on 24-10-2009 to the Revision petitioners, they did not attend the hearing in person or through their Counsel without giving any reason.

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16. Government have examined the matter based on the available records and the report of the Collector, Vizianagaram and found that in regard to the petitioner ie., Smt.Bobbara Adeyamma, W/o Pydithali, she is a non-resident and having landed property as per report of Jt. Collector, Vizianagaram, and resident of Nimmalapalem, Kothavalsa mandal. She is not entitled for assignments as landless poor persons. In regard to second petitioner i.e., Smt. Bobbara Lakshmi W/o Akkunaidu, she is wife of Government teacher and prima facie not entitle for assignment of land as landless poor persons. she is a non-resident and having landed property and resident of Nimmalapalem, Kothavalsa mandal. In regard to third petitioner i.e., Smt. Bobbara Atchayamma, W/o Mahalakshmi, she is mother of Akku Naidu a teacher. She is not entitled for assignment of land and as she is having lands at Nimmalaplaem which makes her ineligible for assignment. The assignment in favour of the petitioners was cancelled by the Jt.Collector, Vizianagaram after due process of enquiry. Hence there are no merits in the Revision Petition filed by the petitioners.

17. Therefore the Revision Petition filed by the Smt Bobbara Adiyamma, and two others i.e., Smt Bobbara Lakshmi, and Smt Bobbara Achayamma is hereby dismissed as Exparte, and the stay granted by the Government in Govt. Memo. No.17024/ Assign.I(2)/ 2005-1,dt.26.4.2005 is hereby vacated with immediate effect.

18. The District Collector, Vizianagaram shall take necessary further action in the matter.

19. The Original Record of Revenue Dept., Vizianagaram district R-Dis.No.1774/ 1989 Dated 4.10.1990 CF Pages 1-234 of MRO, Kothavalasa. and the Record in Rc.No.259/1994 CF Pages: 1-169 of MRO Rayyapurajupet, Kothavalasa, Vizianagaram are herewith returned to the District Collector, Vizianagaram. He is requested to acknowledge the receipt of the original records immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RAJESHWAR TIWARI**  
**SECRETARY TO GOVERNMENT**

To

The Collector,Vizianagaram (with original records).

Smt Bobbara Adiyamma, W/o Sri Pydithalli,

Smt Bobbara Lakshmi, Wife of Sri Akkunaidu,

and Smt Bobbara Achyamma W/o Sri Mahalakshmi, Nimmalapalem Village,

Kothavalasa Mandal, Vizianagaram district. Through the MRO, Kothavalasa, Vizianagaram..

Copy to the PS to Minister for Revenue

Copy to the PS to the Secy.(RT), Revenue Dept.

Copy to Stock-file.

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**